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South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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STATE DOCUMENTS

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## WEEK IN REVIEW

### HOUSE

The House of Representatives devoted the week to consideration of this year's **STATE BUDGET** of over \$5 billion. The House amended, approved, and sent to the Senate **H.3687**, the **GENERAL APPROPRIATION BILL** for fiscal year 2001-2002. Significant features of the House-passed budget include an emphasis on funding for education, tax relief, and benefits for senior citizens as well as plans for coping with the State's estimated \$500 million revenue shortfall. The House-approved legislation contains no revisions to permanent law (Part II Permanent Provisos). Highlights of the budget include:

#### EDUCATION

- The House-approved budget increases K-12 spending by \$105 million (net over last year).
- The House-passed legislation increases **TEACHER PAY** 3.8%. South Carolina Average Teacher Salary is funded above the Southeastern average (\$38,573) for the fifth consecutive year. The projected salary of \$39,166 is \$593 above the Southeastern average. This provides a 3.8% increase to the State Minimum Salary Schedule for public school teachers. This funding level will provide an average pay raise of \$1,432. The \$593 pay raise requires approximately \$29.3 million in funding. Of these funds just over \$2 million are from the General Fund and \$27.2 million are funded in the Education Improvement Act (EIA) budget. The increase does not incorporate such spending as stipends for school supplies as salary.
- In addition to the salary increase, the House-passed budget also provides \$200 for **TEACHERS' SUPPLIES** (tax free) and expands eligibility to include media specialists, guidance counselors, and special school classroom teachers.
- **NATIONAL BOARD CERTIFICATION BONUS** – is continued at \$7,500 per year for the term of the certificate requiring EIA funding of \$10.8 million.
- The **FIRST STEPS** school readiness program is funded at \$28.5 million (with \$22 million in recurring dollars, plus \$6.5 million in a carry-forward account).
- **EDUCATION ACCOUNTABILITY ACT** – the following initiatives are fully funded at the specified levels: Homework Centers \$1.7 million, Teacher/Principal Specialist \$34.3 million, External Review Teams \$5 million, Palmetto Gold/Silver Awards \$2 million, Retraining Grants \$4.1 million, School Improvement Council Assistance \$50,000, Education Oversight Committee Family Involvement \$50,000, Act 135 Early Childhood Development and Academic Assistance \$1.7 million in additional funding, and the School and District Report Cards \$868,000.

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- Summer School & Comprehensive Remediation Program – the recurring base of \$4 million is maintained, the \$4 million annualization is funded along with additional funding of \$3 million, total \$11 million.
- Other items: Instructional Materials – funding is increased by just under \$5 million. Bus Drivers Salaries – 2% increases, requiring funding of \$762,000.
- School Technology – retain the recurring base budget of \$19 million.
- Special schools such as John de la Howe and the School for the Deaf and Blind are not reduced – nor were the Governor's School for Science and Math and the Governor's School for the Arts.
- The House-passed budget legislation creates a study committee to explore the use of school buses in rural and underserved areas lacking public transportation as a means of providing transportation to adult and family literacy programs.
- The House-approved legislation provides **HIGHER EDUCATION** budget cuts that are approximately 10.5% for most institutions. All LIFE, Palmetto Fellows, and Need Based Scholarships, Southern Regional Education Board Scholarships and fees, and the State Museum's rent are exempted from the required budget reductions.
- The legislation provides that, in order to avoid or minimize a reduction in the agency's personnel force, agency heads for institutions of higher education may institute employee furlough programs of not more than twenty working days in the fiscal year. The furlough must be inclusive of all employees regardless of source of funds, place of work, or tenure status, and must include employees in classified positions and unclassified positions as well as agency heads. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency head. During this furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries.
- Funds LIFE Scholarships at \$20.5 million and performance funding at \$57.3 million
- Funding of Palmetto Fellows and Need Based Scholarships of \$11.2 million from the General Fund is provided (reimbursement of the shortfall in Barnwell Facility funds).

### TAX RELIEF

- **FOOD TAX RELIEF:** the House-approved budget legislation continues the initiative, begun last year, to phase out the sales tax collected on groceries by reducing the second penny in January of 2002.
- Provides for an **ADDITIONAL SALES TAX HOLIDAY** (set for February 2002).



## HEALTH CARE

- The House provides \$24 million for the Silver Card program established last year to assist senior citizens living on fixed incomes in purchasing prescription drugs. The House-approved legislation opens up the possibility that federal dollars may be used to substantially enhance the current prescription drug assistance, creating a new, expanded program, **SILVER CARD PLUS**. With a federal waiver, the House-approved plan would reduce the current program's deductible from \$500 to \$100 and lower co-payments.
- A study committee is created to examine the senior prescription drug program.
- The House also provides \$106 million to the Department of Health and Human Services for Medicaid matching funds for a total of \$365 million. Provisions in the legislation require DHHS to conduct a study and report to the House and Senate on ways to control growth of the Medicaid program and require DHHS to identify where more Federal Funds can be recouped by the State of South Carolina, thereby saving General Fund dollars.
- The House earmarks \$75 million for Medicaid programs based on the identification of state expenditures for Medicaid eligible services which could be matched with 70% Federal Funds.
- \$4.7 million to Department of Disabilities and Special Needs for Medicaid matching funds for a total of \$16 million.

## STATE EMPLOYEES AND STATE GOVERNMENT

- The House-approved budget provides for a 2.5% (1.5% cost of living adjustment and a possible 1% Merit) **STATE EMPLOYEE PAY INCREASE**.
- State Health Insurance: Annualizes \$41.9 million of the 2<sup>nd</sup> six months of the FY 2000-2001 rate increase.
- The legislation provides that, in order to avoid a reduction in a state agency's personnel force, agency heads may institute a voluntary employee furlough program of not more than ninety days per fiscal year. During this voluntary furlough, the state employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries.
- The House-passed legislation establishes the Law Enforcement Officers Retention Incentive (LEORI) Program that is similar to the Teacher and Employee Retention Incentive (TERI) Program.
- \$2,100,000 to the Election Commission for statewide primaries and \$1,100,000 for a Statewide Voter Registration System.
- \$4,000,000 for Parks, Recreation and Tourism to complete the alternative funding initiative.

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- Public Safety: \$3.2 million is provided for a class of 50 troopers.
- A series of flexibility provisos are provided to assist state agencies receiving the largest reductions. Flexibility provisos allow agencies to do the following: retain funds received for provision of services and redirect use of general and other funds for critical programs. Increase and charge minor fees to deter misuse of agency resources and over utilization of services. Relieve agencies from state and / or federal mandates to allow for more efficient use of limited resources.

The House also amended and gave second reading to **H.3688**, a bill authorizing the issuance of in excess of \$395 million in **STATE CAPITAL IMPROVEMENT BONDS**. Under the bill, most of the bond funds go to improvements at the state's public schools, colleges and universities. Some of the capital improvement projects designated in the bill include:

- \$30 million to the Department of Education for school buses, a portion of the \$41.9 million total for public education.
- \$226.2 million for construction, renovation, and maintenance projects at higher education institutions, including TEC schools.
- \$33.6 million to the Department of Commerce for various local projects (this amount also includes \$16 million for the Coordinating Council).
- \$10 million for the State Farmers Market.
- \$5.2 million to the State Ports Authority for the Charleston harbor dredging.
- \$8 million for Charles Towne Landing State Park.
- \$9.8 million to the Department of Corrections for general renovations and repair.
- \$15.6 million to the Department of Juvenile Justice for female evaluation and commitment facilities, detention centers and infrastructure upgrade, central support facilities upgrades and Northeast Center.
- \$6.9 million for a SLED forensic laboratory.

## SENATE

The Senate approved and enrolled for ratification **H.3634**, a bill designating **BEACH MUSIC** as the official state popular music of South Carolina.



The Senate approved and enrolled for ratification **H.3546**, a joint resolution that revises a previous joint resolution creating a **LOCAL JAIL TASK FORCE** to identify and study the problems confronting local jails. The legislation extends the life of the task force to February 1, 2002, before which date it must make its report, and provides that a person appointed to the task force before February 1, 2001, shall remain on the task force.

The Senate amended, read for the third time, and returned to the House **H.3227**, a bill that **EXEMPTS FROM PROPERTY TAXES THE HOMES OF FORMER PRISONERS OF WAR AND MEDAL OF HONOR WINNERS**. The bill exempts from property taxes the dwelling home and a lot not to exceed one acre of land owned in fee or for life or jointly with a spouse by a resident of this State who is a recipient of the Medal of Honor or who was a prisoner of war in World War I, World War II, the Korean Conflict, or the Vietnam Conflict. The exemption is allowed to the surviving spouse under the same terms and conditions governing the property tax exemption for surviving spouses of permanently and totally disabled veterans. Under the Senate's amendment, a person applying for this exemption must provide evidence of eligibility as may be required. The Senate also amended the bill so as to provide that the **HOMESTEAD EXEMPTION** for taxpayers sixty-five and over or those totally and permanently disabled or legally blind is fifty thousand dollars.

**S.143**, a bill relating to **ACCEPTABLE FORMS OF PAYMENT OF COUNTY TAXES**, was read for the third time and sent to the House. Currently, county taxes are payable only in silver coin, U.S. currency, U.S. postal money orders, and checks. This bill provides that a third-party administrator may be used for the collection of these taxes through electronic media if there is no cost to the county. Also, the bill provides that other media of payment may be accepted upon approval of the governing body, and approval of the governing body must be obtained if costs are incurred by the county in the acceptance of a payment media. Costs of collection would be shared among the taxing entities. The bill also provides that the county governing body may impose a uniform surcharge as a condition of acceptance of a particular medium of payment, not to exceed the cost of accepting charge cards, debit cards, or electronic forms of payment including discount or merchant fees.

The Senate approved and sent to the House **S.317**, a bill pertaining to the **SALE OF ANIMALS TAKEN UNDER A DEPREDATION PERMIT**. This bill provides that a person taking a furbearing animal under the authority of a depredation permit may dispose of the animal commercially if the person taking the animal has a valid commercial fur license and the pelt of the animal is tagged as required by law. A person taking furbearing animals under the authority of a depredation permit must report the number and type of animals taken to the furbearer biologist of the department's Division of Wildlife and Freshwater Fisheries of the Department of Natural Resources on forms prescribed by the department within twenty-one days of the expiration of the permit.

The Senate amended, read for the third time, and sent to the House **S.87**, a bill pertaining to **HUNTING FROM A PUBLIC ROAD OR RAILROAD RIGHT-OF-WAY**. This bill provides that it is unlawful for a person to hunt from a public road or



railroad right-of-way, if the person does not have permission to hunt the land immediately adjacent to the public road or railroad right-of-way. The term 'hunting' means: (a) taking deer by occupying stands for that purpose; and (b) possessing, carrying, or having readily accessible a loaded centerfire rifle or a shotgun loaded with shot size larger than number four. For purposes of this legislation, 'loaded' means a weapon within which any ammunition is contained. A person who violates this legislation is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days. In addition to any other penalties, the hunting privileges of a person convicted of violating this legislation must be suspended for one year from the date of the conviction.

The Senate gave third reading to **S.205** and ordered the bill sent to the House. Current law requires **THE MINORITY AFFAIRS COMMISSION** to meet at least monthly to study the causes and effects of the socio-economic deprivation of minorities in the State and to implement programs necessary to address inequities confronting minorities in the State. Under this bill, the commission would meet quarterly and at other times as the chairman determines necessary.

**S.46**, relating to **TRAFFIC STOPS BY COMMISSIONED AND UNIFORMED OFFICERS**, was read for the third time by the Senate and ordered sent to the House. Agencies which employ law enforcement officers to enforce the traffic laws of this State, including, but not limited to, the Department of Public Safety, sheriff's departments, and municipal police departments, under this bill must collect and maintain the following information regarding vehicle traffic enforcement: (1) the number of drivers stopped for vehicle traffic enforcement where a warning or citation was issued; (2) identifying characteristics of each driver stopped, including the race or ethnicity, age, and gender; (3) the alleged traffic violation that led to the stop; (4) whether the vehicle, personal effects, driver, or any passengers were searched; (5) the basis for the search; and (6) the race or ethnicity of the officer. Except when warnings or citations are issued or searches, seizures, or arrests take place, the information is not required to be collected in connection with driving under the influence checkpoints or other types of roadblocks, vehicle checks, or checkpoints that comply with the laws of this State and with the State and United States Constitutions.

Additionally, **S.46** requires the Department of Public Safety to annually report to the General Assembly the number of licensed drivers in each county as of December thirty-first of the previous year. The number of licensed drivers must be categorized by age, gender, and race or ethnicity.

Agencies which employ law enforcement officers to enforce the traffic laws of this State, including, but not limited to, the Department of Public Safety, sheriff's departments, and municipal police departments, under **S.46** must compile, annually publish, and make available to the public in a report, the following information regarding formal complaints by members of the public against officers of the agency: (1) the number of complaints received by type and location of incident by county; (2) the gender, age, and race of the complainant, when known, and the

gender, age, and race of any officer involved in the complaint; (3) the disposition for each complaint; (4) the total number of disciplinary actions stemming from each type of sustained complaint. The annual report must respect privacy concerns and must not include the name, badge number, or other identifying information regarding officers, complainants, or other participants in a complaint.

S.271 was amended, read for the third time, and sent to the House. This bill pertains to **PROPERTY TAX ASSESSMENT NOTICES**. This bill provides that in years when there is no notice of property tax assessment, the property taxpayer must give the assessor written notice of an objection on or before May first. Currently, the written notice must be given by March first.

The Senate amended, read for the third time, and ordered S.163 sent to the House. This bill relates to **MAXIMUM STATE RETIREE EARNINGS**. This bill increases from twenty-five thousand dollars to fifty thousand dollars the maximum annual amount a retired member of the South Carolina Retirement Systems who is returning to covered employment may earn without affecting the monthly retirement allowance he is receiving from the system. This provision applies to a retiree who has been retired for at least sixty days. The bill provides that if a retiree returns to employment covered by the system sooner than sixty days after retirement, the member's retirement allowance is suspended while the member remains employed by the participating employer.

S.8, a bill pertaining to the **SALE OR LEASE OF SCHOOL PROPERTY BY TRUSTEES**, was amended, read for the third time, and ordered sent to the House. This bill deletes the requirement that the sale or lease of school property by school trustees requires the consent of the county board of education or governing body of the county in those counties which do not have a county board of education. The bill requires that when a school district does not have fiscal autonomy, the school trustees must first obtain approval from the appropriate local governing body.

The Senate approved and sent to the House, S.384 a bill relating to **THE DEPARTMENT OF PUBLIC SAFETY CLASSIFYING CERTAIN MOTOR VEHICLES AS PRIVATE PASSENGER MOTOR VEHICLES**. Under this bill, the department shall classify as a private passenger motor vehicle every motor vehicle, except a motorcycle, motorcycle three-wheel vehicle, or motor-driven cycle, which is designed, used, and maintained for the transportation of ten or fewer persons and trucks having an empty weight of six thousand six hundred pounds or less and a gross weight of nine thousand pounds or less.

S.447, relating to **SEASONS, TIMES, METHODS, EQUIPMENT, AND SIZE AND TAKE LIMITS FOR SHAD, HERRING, AND STURGEON IN THE SANTEE RIVER**, was approved by the Senate and sent to the House. This bill provides that there is no open season in the Rediversion Canal from St. Stephen Dam seaward to the seaward terminus of the northern dike of the Rediversion Canal. The bill further provides for seasons, times, methods, equipment, and size and take limits in the Rediversion Canal from the seaward terminus of the northern dike of the Rediversion Canal seaward to the Santee River.



## HOUSE COMMITTEE ACTION

The House standing committees did not meet due to consideration of the budget by the full House.

## BILLS INTRODUCED IN THE HOUSE

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

#### **H.3715 *ALLIGATOR FARMING PILOT PROGRAM* Rep. Sharpe**

This joint resolution establishes a three-year pilot program of alligator farming for the purpose of determining the feasibility of alligator farming for poultry mortality disposal. The joint resolution provides that, until July 1, 2004, any person eighteen or older may establish an alligator farm for the purpose of poultry mortality disposal by complying with the terms and conditions specified in the joint resolution.

#### **S.317 *SALE OF ANIMALS TAKEN UNDER A DEPREDATION PERMIT***

**Sen. Gregory**

This bill provides that a person taking a fur bearing animal under the authority of a depredation permit may dispose of the animal commercially if the person taking the animal has a valid commercial fur license and the pelt of the animal is tagged as required by law. A person taking fur bearing animals under the authority of a depredation permit must report the number and type of animals taken to the fur bearer biologist of the department's Division of Wildlife and Freshwater Fisheries of the Department of Natural Resources on forms prescribed by the department within twenty-one days of the expiration of the permit.

### EDUCATION AND PUBLIC WORKS

#### **H.3703 *PRODUCTION AND ISSUANCE OF LICENSE PLATES* Rep. Townsend**

This bill requires the Department of Public Safety (DPS) to issue new license plates, including personalized and special plates, at least every six years. Currently, DPS must provide these plates "at intervals that DPS considers appropriate."

The bill also requires that DPS collect, in addition to vehicle registration and license fees, an additional one dollar fee from a vehicle owner when his vehicle is registered and reregistered, and the fee is to be used to offset the costs of producing the new plates.

**H.3708 GOVERNOR'S SCHOOL FOR TEACHING, LEARNING,  
AND TECHNOLOGY Rep. Bingham**

This bill establishes the Governor's School for Teaching, Learning, and Technology (the School), to be located in Richland or Lexington County as a resource for all public schools, specifically in the area of continuing advances in teaching, learning, and technology. The School's mission would be to serve all school districts in the State through on-site and off-site professional training services to public educators and through outreach. The School would be funded as provided by the General Assembly in the annual appropriations act.

The bill provides for composition and terms of service of a board of trustees (the board) which would govern the School, and provides that the board will determine criteria, standards, and procedures for admission of students to the School. The bill requires that the board employ a chief executive officer and other key administrative and support personnel for the School, and requires that the first year will be dedicated to program and curriculum planning and planning for construction of physical facilities. In order to have the School ready to receive students by the third year of operation, the bill provides that the board may enter into a written agreement with Richland School District One and Lexington School District Two to delineate each district's responsibilities and financial obligation to the School. To emphasize the importance of early childhood development and the transitions for adolescents into adulthood, the scope of the School's curriculum would include pre-kindergarten through year fourteen.

The bill requires that the student population shall mirror, as much as possible, the demographics of students in South Carolina public schools. Students meeting the admission criteria are entitled to attend from Richland School District One and Lexington School District Two upon approval of the board of trustees of the respective districts. Students from other districts would apply for admission pursuant to policies adopted by the board. The bill also includes provisions for a teaching academy at the School, which would offer pre-service and in-service training programs and activities for public educators.

The bill includes hold harmless provisions for per pupil state aid in school districts from which the School draws at least ten percent of the School's enrollment.

**S.8 SALE OR LEASE OF SCHOOL PROPERTY BY TRUSTEES Sen. Hayes**

This bill deletes the requirement that the sale or lease of school property by school trustees requires the consent of the county board of education or governing body of the county in those counties which do not have a county board of education. The bill requires that when a school district does not have fiscal autonomy, the school trustees must first obtain approval from the appropriate local governing body.

**H.3716 AGRICULTURAL EDUCATION Rep. Sharpe**

This bill requires that beginning with school year 2001-02, all public high schools must instruct students in agricultural education in the manner the State Department of Education in conjunction with the Department of Agriculture and Clemson University Public Service Activities shall provide.



**H.3719 MANDATORY USE OF SEAT BELTS Rep. Harrison**

This bill requires all persons, regardless of age, to wear a seat belt or be secured by a child restraint system. Currently, a driver is charged with the responsibility of requiring each occupant over six and under seventeen years of age to wear a safety belt. The bill also authorizes primary enforcement of the requirement to wear seat belts for occupants seventeen years of age or younger, increases the fine, and imposes the fine on the driver of the vehicle if an occupant seventeen years of age or younger is not wearing a seat belt or is not secured in a child restraint system.

**H.3720 SOUTH CAROLINA SCHOOL ZONE SAFETY WEEK Rep. Cato**

This bill designates the law full week in August as "South Carolina School Zone Safety Week" and provides that the Department of Public Safety (DPS) shall work to organize and engage state law enforcement officials and schools in activities that promote safety in school zones during this week. The bill requires that DPS provide an annual report to the Governor, the House, and the Senate regarding the school zone safety activities that DPS has helped to organize.

## JUDICIARY

**S.46 TRAFFIC VIOLATION DATA Sen. Ford**

Agencies which employ law enforcement officers to enforce the traffic laws of this State, including, but not limited to, the Department of Public Safety, sheriff's departments, and municipal police departments, under this bill must collect and maintain the following information regarding vehicle traffic enforcement: (1) the number of drivers stopped for vehicle traffic enforcement where a warning or citation was issued; (2) identifying characteristics of each driver stopped, including the race or ethnicity, age, and gender; (3) the alleged traffic violation that led to the stop; (4) whether the vehicle, personal effects, driver, or any passengers were searched; (5) the basis for the search; and (6) the race or ethnicity of the officer. Except when warnings or citations are issued or searches, seizures, or arrests take place, the information is not required to be collected in connection with driving under the influence checkpoints or other types of roadblocks, vehicle checks, or checkpoints that comply with the laws of this State and with the State and United States Constitutions.

Additionally, this bill requires the Department of Public Safety to annually report to the General Assembly the number of licensed drivers in each county as of December thirty-first of the previous year. The number of licensed drivers must be categorized by age, gender, and race or ethnicity.

Agencies which employ law enforcement officers to enforce the traffic laws of this State, including, but not limited to, the Department of Public Safety, sheriff's departments, and municipal police departments, under this bill must compile, annually publish, and make available to the public in a report, the following information regarding formal complaints by members of the public against officers of the agency: (1) the number of complaints received by type and location of incident by county; (2) the gender, age, and race of the complainant, when known,

and the gender, age, and race of any officer involved in the complaint; (3) the disposition for each complaint; (4) the total number of disciplinary actions stemming from each type of sustained complaint. The annual report must respect privacy concerns and must not include the name, badge number, or other identifying information regarding officers, complainants, or other participants in a complaint.

**S.87 HUNTING FROM A PUBLIC ROAD OR RAILROAD RIGHT-OF-WAY**

**Sen. Ravenel**

This bill provides that it is unlawful for a person to hunt from a public road or railroad right-of-way, if the person does not have permission to hunt the land immediately adjacent to the public road or railroad right-of-way. The term 'hunting' means: (a) taking deer by occupying stands for that purpose; and (b) possessing, carrying, or having readily accessible a loaded centerfire rifle or a shotgun loaded with shot size larger than number four. For purposes of this legislation, 'loaded' means a weapon within which any ammunition is contained. A person who violates this legislation is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days. In addition to any other penalties, the hunting privileges of a person convicted of violating this legislation must be suspended for one year from the date of the conviction.

**S.205 MEETINGS OF THE MINORITY AFFAIRS COMMISSION**

**Sen. Matthews**

Current law requires the Minority Affairs Commission to meet at least monthly to study the causes and effects of the socio-economic deprivation of minorities in the State and to implement programs necessary to address inequities confronting minorities in the State. Under this bill, the commission would meet quarterly and at other times as the chairman determines necessary.

**H.3693 "UNBORN VICTIMS ACT OF 2001" Rep. Campsen**

The bill revises several existing statutes which offer an individual legal protection from various sorts of unlawful treatment so as to extend the protection to include the unborn. This bill amends *South Carolina Code of Laws* Chapter 3 (Offenses Against the Person) of Title 16 (Crimes and Offenses) relating to all offenses arising out of the unlawful killing or battery of any "person" or "another." The bill provides that the terms "person" and "another" include an unborn child at every stage of gestation in utero from conception until live birth. The provisions do not apply to: (1) a mother's right to privacy, (2) lawful medical procedures performed by a physician or other licensed medical professional at the request of the mother of the unborn child or the mother's legal guardian, and (3) lawfully prescribed medication. **H.3693** also amends *South Carolina Code of Laws* Chapter 5 (Traffic Regulation) of Title 56 (Motor Vehicles) and Chapter 21 (Equipment and Operation of Watercraft) of Title 50 (Fish, Game, and Watercraft) to provide that for purposes of all offenses arising out of the death or injury of any "person" in these articles, the term "person" includes an unborn child at every stage of gestation and in utero from conception until live birth.



**H.3694 GUARDIANS AD LITEM Rep. Limehouse**

Under this bill, the South Carolina Guardian ad Litem Program would provide training and supervision to volunteers who serve as court-appointed guardians ad litem in custody dispute cases. The bill allows a guardian ad litem in a custody dispute case to charge up to five hundred dollars for services rendered in a case; however, a guardian ad litem that charges for his or her services would lose certain criminal and civil immunity. To be appointed as a guardian ad litem in a custody dispute case, this bill requires the person to be at least thirty years of age.

Parties to a custody dispute in family court, under this bill may jointly or individually recommend a guardian ad litem to be appointed to the case where there is no evidence or the evidence is inadequate to determine the comparative fitness of the parents and to determine the best interest of the child. Unless the court makes findings of fact to exclude a guardian ad litem agreed upon by the parties, the bill requires the judge to appoint that guardian ad litem to the case. Also under this bill, the guardian ad litem in a custody dispute is authorized through counsel to any party to the action to introduce, examine, and cross-examine witnesses in a proceeding involving the child and through such counsel to participate in the proceedings to any degree necessary to represent the child adequately.

**H.3695 DOMESTIC VIOLENCE Rep. Rodgers**

This bill establishes the Domestic Violence Fund within the state treasury to be administered by the Department of Social Services for the purpose of awarding grants to domestic violence centers and programs in the state that meet certain criteria. The bill increases the marriage license fee by twenty dollars, which must be credited to the domestic violence fund. The bill also increases the filing fee for divorce or separate maintenance actions by twenty dollars, which also must be credited to the domestic violence fund.

**H.3697 THE COMMISSION ON INDIGENT DEFENSE Rep. Harrison**

This bill reconstitutes the Commission on Indigent Defense's membership as of July 1, 2001. Under this bill, three members of the commission will be appointed by the governor on the recommendation of the public defender association, and four members of the commission will be appointed by the Chairmen of the House and Senate Judiciary Committees. The bill provides for staggered terms of commission members and causes the terms of the present members of the commission to expire on July 1, 2001.

**H.3698 TRANSPORTING A CHILD OUT OF STATE WITH THE INTENT OF VIOLATING A CUSTODY ORDER Rep. Harrison**

If law enforcement has probable cause to believe a child has been taken from his or her legal custodian and is in a specific location, under this bill law enforcement may seek a warrant to recover the child from that location. If the child is in danger, this bill authorizes law enforcement to enter the location without a warrant to recover the child. This bill also provides that if a court has made a determination of custody, the court's order must be shown to law enforcement as evidence of who is the legal custodian of the child. Knowingly giving false information to a law

enforcement officer seeking to carry out the provisions of this legislation is a criminal offense.

## **LABOR, COMMERCE, AND INDUSTRY**

### **H.3692 *AUTOMOBILE INSURANCE COVERAGE OF AIR BAG REPAIRS***

**Rep. Simrill**

This bill provides that the property damage coverage contained in any automobile insurance policy written in this State and the collision coverage, if any, in the policy is deemed to cover the cost of replacing or repairing the air bags, if necessary, in automobiles involved in a claim under the policy when an automobile accident occurs. No insurer by endorsement to the policy may except out or negate this provision.

### **S.398 *PAWNBROKERS' RECORDS* Senate Labor, Commerce and Industry**

This bill revises existing provisions under which pawnbrokers are required to maintain records that must, at all reasonable times, be open to the inspection by court officials, law enforcement officers, the administrator of the Department of Consumer Affairs, and their designees. The bill provides that, to facilitate these inspections, all records relating to the description of the goods, articles, or things pawned or pledged must be typewritten, legibly printed, or maintained in a readily accessible computer database. All copies of such required records must display clearly and legibly the information these contain. The bill provides that a pawnbroker shall preserve and make available in this State books and records relating to each of its pawn transactions for two years from the date of the transaction or one year from the date of the final entry made on it, whichever is later. The legislation also provides that, upon the finding that a pawnbroker's action is in violation of these requirements, the administrator of the Department of Consumer Affairs may impose an administrative fine of one hundred dollars for the first offense violation. For second and subsequent offenses within a twelve-month period, the administrator may revoke or suspend a pawnbroker's certificate of authority.

### **H.3721 *CONSUMER FINANCE COMPANIES* Rep. Cato**

This bill revises provisions relating to consumer finance, so as to allow a licensed consumer finance company to charge a minimum delinquency charge of ten dollars on an unpaid installment after ten days and to add a maintenance fee of three dollars a month to the gross amount of the promissory note, if that fee is refunded pro rata upon prepayment of the note. The bill also revises provisions relating to delinquency charges in connection with a consumer loan or refinancing of a consumer loan, so as to provide for a minimum delinquency charge of ten dollars on an installment that is unpaid ten days after its due date. Under the bill a creditor is allowed to apply payment to a delinquent rather than current or unmatured installment. The bill revises provisions relating to remedies and penalties in connection with consumer transactions, so as to clarify what factors may be considered in a determination of unconscionable conduct.



## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

### **S.102 VETERINARY MEDICINE Sen. Hutto**

This bill revises statutes relating to the practice of veterinary medicine so as to conform them to the statutory organizational framework provided for boards under the administration of the Department of Labor, Licensing and Regulation. The bill makes further provisions regarding the licensure and regulation of the State Board of Veterinary Medicine.

## **WAYS AND MEANS**

### **S.218 STATE GENERAL OBLIGATION BONDS Sen. Leatherman**

This bill requires that state general obligation bonds must be sold at public sale, after advertisement of the sale in a newspaper having general circulation in this State or in a financial publication published in the City of New York, as determined by the State Budget and Control Board (the Board). The bill provides for the methods of advertising the bond sales and allows the Board to receive bids for the purchase of bonds in a form the Board determines. The bill provides that if no bids are received or if all bids are rejected, the bonds may be disposed of at private sale.

### **H.3696 ACQUISITION OF UNEMPLOYMENT TAX ACCOUNTING SYSTEM Rep. Harrison**

This joint resolution authorizes the South Carolina Employment Security Commission (the Commission) to expend up to One Million, One Hundred Seventy-two Thousand, Seven Hundred and Ninety-five Dollars of funds available under Section 903 of the Social Security Act for the purpose of creating, designing, and acquiring equipment and operating software for the operation of an unemployment insurance tax collection and reporting system for use by the Commission.

### **H.3701 SERVICE CREDITS UNDER THE STATE RETIREMENT SYSTEM Rep. Townsend**

This bill revises the manner for determining the required payment for establishing service credits under the State Retirement System.

Currently, an active member may establish service credit for any period of paid public service or paid education service, and for up to six years of service credit for any period of military service, if the member was discharged or separated from military service under conditions other than dishonorable, by making a payment to the system to be determined by the State Budget and Control Board (the Board), but not less than 16% of the member's current salary or career highest fiscal year salary, whichever is greater, for each year of credit purchased. Also, an active member on an approved leave of absence from an employer that participates in the system may currently purchase service credit for the period of the approved leave, but may not purchase more than two years of service credit for each separate leave period, by making a payment to the system to be determined by the Board, but not

less than 16% of the member's current salary or career highest fiscal year salary, whichever is greater, for each year of credit purchased.

This bill provides that in each of these instances, the member must make a payment to the system for each year of credit purchased to be determined by the Board, which shall be the payment required to establish such service at the time that service was rendered, provided, that for service rendered after January 1, 2001, the payment shall be not less than 16% of the member's current salary or career highest fiscal year salary, whichever is greater.

**S.143 FORMS OF PAYMENT OF COUNTY TAXES Sen. Leatherman**

Currently, county taxes are payable only in silver coin, U.S. currency, U.S. postal money orders, and checks. This bill provides that a third-party administrator may be used for the collection of these taxes through electronic media if there is no cost to the county. Also, the bill provides that other media of payment may be accepted upon approval of the governing body, and approval of the governing body must be obtained if costs are incurred by the county in the acceptance of a payment media. Costs of collection would be shared among the taxing entities. The bill also provides that the county governing body may impose a uniform surcharge as a condition of acceptance of a particular medium of payment, not to exceed the cost of accepting charge cards, debit cards, or electronic forms of payment including discount or merchant fees.

**S.271 PROPERTY TAX ASSESSMENT NOTICES Sen. Wilson**

This bill provides that in years when there is no notice of property tax assessment, the property taxpayer must give the assessor written notice of an objection on or before May first. Currently, the written notice must be given by March first.

**S.163 MAXIMUM RETIREE EARNINGS Sen. Martin**

This bill increases from twenty-five thousand dollars to fifty thousand dollars the maximum annual amount a retired member of the South Carolina Retirement Systems who is returning to covered employment may earn without affecting the monthly retirement allowance he is receiving from the system. This provision applies to a retiree who has been retired for at least sixty days. The bill provides that if a retiree returns to employment covered by the system sooner than sixty days after retirement, the member's retirement allowance is suspended while the member remains employed by the participating employer.

**H.3714 "CHOOSE LIFE" SPECIAL LICENSE PLATES Rep. Haskins**

This bill provides for the issuance of "Choose Life" special license plates and provides for the distribution of fees collected for these plates to local private nonprofit groups offering crisis pregnancy services.

**H.3717 REVISIONS TO "TERI" PROGRAM Rep. Kelley**

This bill provides that participation in the Teacher and Employee Retention Incentive (TERI) Program for participants first taking part in the program after June 30, 2001, must be offered by the employer and must be agreed upon by the employer and employee. Currently, participation in the program is available to any active



contributing member of the retirement system who is eligible for service retirement. The bill also clarifies conditions under which a retirement system member is not eligible to participate and when a program participant is no longer eligible to participate. The bill also prohibits these program participants from being paid for annual leave when they terminate and provides that participants accrue sick and annual leave which they may use during the program period. The bill also exempts these TERI program participants from the state employee grievance procedure.

**H.3718 LAW ENFORCEMENT OFFICERS RETENTION  
INCENTIVE PROGRAM** Rep. Kelley

This bill enacts the Law Enforcement Officer Retention Incentive Program, which may be offered by an employer to an active member of the retirement system who is eligible for service retirement. Participation in the program occurs upon mutual agreement of the employer and the employee.

The bill provides that a program participant retires for purposes of the retirement system, and the participant's normal retirement benefit is calculated on the basis of the member's average final compensation and service credit at the time the program period begins. The participant shall agree to continue employment for a specified period, not to exceed five years. During the participant's program period, receipt of the participant's normal retirement benefit is deferred and placed in a trust fund on behalf of the participant. The program participant makes no further contributions to the retirement system, accrues no service credit, and is not eligible to receive group life insurance benefits or disability retirement benefits. During the program period, a program participant is not subject to the retirement system earnings limitation for reemployed retirees.

Upon termination of employment, the member must receive the balance in the program account either by lump-sum distribution or a tax sheltered rollover into an eligible plan. The bill also includes provisions for a program participant who dies during the program period, and the bill provides that program participants are exempt from the state employee grievance procedure.

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The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.net>) and click on the "Insider's Page," then click on "Legislative Update." This will list all of the *Legislative Updates* by date. Click on the date you need. Note: The *Legislative Update* has been added to the list of documents available to Legislative Tracking Subscribers. You may register for this service on the South Carolina General Assembly Home Page.

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LEGISLATIVE UPDATE

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